

Serial No. 10/329,164

Remarks

Claims 1-49 are pending in the application. Claims 1, 5, 8, 14, 20, 29, 30, 32, 35, 38, 40, 41, 45, 47 and 49 have been amended, new claim 50 has been added, and claims 4, 13, and 31 have been canceled herein. Favorable reconsideration of the application is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the indication of allowability of claims 32-37, 40-43, 45 and 47-49 provided they are rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 40, 45, 47 and 49 have been amended to include all the limitations of the base claim and any intervening claims. Further, claims 47 and 49 have been amended to correct for a typographical error ("air sample" was changed to "air samples"), and claim 49 was amended to correct for lack of antecedent basis ("airborne matter" changed to "air samples").

Accordingly, claims 40-43, 45 and 47-49 are believed to be in a condition for allowance.

II. REJECTION OF CLAIMS 1-28 UNDER 35 USC §112

Claims 1-28 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner asserts that claim 1 fails to set forth the relationship between the enhancement mechanism and the object of interest such that the object can be classified based on a Raman signature.

By way of the foregoing amendments, claim 1 has been amended to remove any issue as to the alleged indefiniteness and, therefore, the objection is moot.

Accordingly, withdrawal of the rejection of claims 1-28 is respectfully requested.

III. Claims 5-10, 13-19, 21 and 23-28

Initially, Applicant notes that other than being rejected under 35 USC §112, second paragraph, original claims 5-10, 13-19, 21 and 23-28 have not been rejected under 35 USC §102 or under 35 USC §103. Accordingly, Applicant presumes these claims would be allowable provided the rejection under 35 USC §112 is overcome.

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IV. REJECTION OF CLAIMS UNDER 35 USC §102

A. Claims 1-4, 11, 12, 20, 22, 29-31, 38, 39, 44 and 46

Claims 1-4, 11, 12, 20, 22, 29-31, 38, 39, 44 and 46 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,017,007 to *Milne et al.* (hereinafter *Milne*). Claims 4 and 31 have been canceled herein and thus the rejection of claims 4 and 31 is moot. Withdrawal of the rejection of the remaining claims is respectfully requested for at least the following reasons.

1. Independent claim 1

Independent claim 1 has been amended to include the features of dependent claim 13. Claim 1 now recites a system for increasing Raman emissions from a plurality of Raman active molecules that includes an enhancement mechanism and an interrogator, wherein the interrogator classifies the object as *friend or foe*. Thus, claim 1 is similar in context to allowed method claim 40. Moreover, *Milne* has not been found to teach or suggest an interrogator that classifies an object as friend or foe, as recited in claim 1.

Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

2. Independent claim 29

Claim 29 has been amended to include a feature of dependent claim 32 (claim 32 was indicated as being allowable if rewritten in independent form). More specifically, claim 29 now recites that the enhancement mechanism comprises a plurality of *photonic crystals*. *Milne* has not been found to teach or suggest an enhancement mechanism comprising a plurality of photonic crystals, as recited in amended claim 29.

Accordingly, withdrawal of the rejection of claim 29 is respectfully requested.

3. Remaining claims

Claims 2, 3, 11, 12, 20, 22, 30, 38, 39, 44 and 46 depend from either claim 1, 29 or allowable claim 40 and, therefore, can be distinguished from *Milne* for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 2, 3, 11, 12, 20, 22, 30, 38, 39, 44 and 46 is respectfully requested.

V. Claims 32-37

Claims 32-37 have been indicated as being allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In the interest of minimizing the fees associated with independent claims, a novel feature of claim 32 has been

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included in independent claim 29. As noted above, amended claim 29 can be distinguished from the cited art. Since claims 32-37 depend from claim 29, they can be distinguished from the cited art for at least the same reasons.

Accordingly, claims 32-37 are believed to be in a condition for allowance.

VI. NEW CLAIM 50

New claim 50 is a combination of original claim 1 and a portion of original claim 4, and recites a system for increasing Raman emissions, the system including an enhancement mechanism comprising a plurality of *photonic crystals*. The cited art has not been found to teach an enhancement mechanism that includes a plurality of photonic crystals.

Accordingly, claim 50 is believed to be in a condition for allowance.

VII. CONCLUSION

Accordingly, all pending claims are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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